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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,821	11/04/2003	Lionel Jacques Garin	ST03005CIP (54-US-CIP1)	6244

7590 09/22/2006

THE ECLIPSE GROUP
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EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,821

Applicant(s)

GARIN ET AL.

Examiner

Brian J. Broadhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-30 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15, 17, 18, 31-33 and 35-41 is/are rejected.
- 7) ☒ Claim(s) 5, 16, 19-22 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 6-29-06 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of patent 6,671,620 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 8, 9, 10, 11, 12, 13, 14, 31, 33, 38, 39, 40, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Eschenbach, 6211817.

4. Eschenbach discloses a mobile station using stored satellite sub-almanacs to acquire a plurality of satellites, the mobile station using the satellite sub-almanacs to take measurements, and the mobile station using the sub-almanacs to calculate a coarse position of the mobile station in figure 3; the mobile station transmitting the coarse position to a network on lines 35-43, on column 9; the network or server calculating a correction to the coarse position on lines 44-45, on column 9; the network transmitting the correction to the mobile station on lines 55-58, on column 9; the mobile station transmitting an identification list to the network, wherein the identification list comprises identifications of particular satellites used in calculating the coarse position,

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and identifications of particular sub-almanacs for each of the particular satellites on lines 35-43, on column 9; the correction comprises calculating a position correction vector over satellites used to calculate the coarse position on column 9; and the correction comprises calculating pseudorange corrections, or differential corrections over satellites used to calculate the coarse position on lines 44-58, on column 9. As disclosed in applicant's specification, an almanac is a collection of sub-almanacs.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschenbach, 6211817, in view of Fuchs et al., 6453237.

7. Eschenbach discloses the limitation as set forth above. Eschenbach does not disclose the mobile station transmits the coarse position to the network after a period of time. Fuchs et al. teach the mobile station transmits the coarse position to the network after a period of time on lines 15-18, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Fuchs et al. in the invention of Eschenbach because such modification would account for communication outages.

8. Claims 4, 6, 15, 17, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschenbach, 6211817, in view of Jandrell, 2003/0016170.

9. Eschenbach discloses the limitation as set forth above. Eschenbach does not disclose determining whether any of the sub-almanacs need replacement and transmitting the replacement to the mobile station; and the mobile station receiving a reference position and using the reference position to calculate the coarse position. Jandrell teaches determining whether any of the sub-almanacs need replacement and transmitting the replacement to the mobile station; and the mobile station receiving a reference position and using the reference position to calculate the coarse position in paragraph 90 and 98. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Jandrell in the invention of Eschenbach because such modification would allow estimation of Doppler shift and provide improved positioning.

10. Claims 7, 18, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschenbach, in view of Jandrell, 2003/0016170, as applied above to claims 6, 17, and 36, in further view of Dooley et al., 2003/0212487.

11. Eschenbach and Jandrell disclose the limitations as set forth above. Eschenbach and Jandrell do not disclose the coarse position comprises transmitting a position difference between the reference position and the coarse position. Dooley et al. teach the coarse position comprises transmitting a position difference between the reference position and the coarse position in paragraphs 4 through 9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the position representation of Dooley et al. in the invention Eschenbach and Jandrell because such modification is a design choice. A normal position is usually represented

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as a relative distance from the coordinates system's origin; in this case the origin is set as the reference position.

Allowable Subject Matter

12. Claims 23-30 allowed.

13. Claims 5, 16, 19-22, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose the mobile station transmitting an acceptable level of error to the network, and determining if a sub-almanac needs to be replaced based on the acceptable level of error; transmitting an identification list to the network that includes a list of particular sub-almanacs.

Response to Arguments

Applicant's arguments filed 6-29-06 have been fully considered but they are not persuasive. The argument that by Eschenbach using an almanac he does not disclose using sub-almanacs is not convincing because an almanac is a collection of sub-almanacs. If he is using an almanac, he must be using sub-almanacs.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BJB


THOMAS BLACK
SUPERVISORY PATENT EXAMINER